

Remarks and Arguments

Applicants have carefully considered the Office Action dated July, 23, 2008 and the references cited therein. Applicants respectfully request reexamination and reconsideration of the application.

Applicants and their attorney wish to thank Examiner Jean for the courtesy of the in person interview on November 18, 2008 at the USPTO in which the amendments to the claims as substantially set forth herein were discussed.

Claims 1-22 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of US Patent 6,965,912, by the same inventors. In addition, Claims 1-22 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of the copending patent application publication number 2004/0205138A1 and over claims 1-24 of the copending patent application publication number 2006/0036681A1. Applicants respectfully request that the nonstatutory obviousness-type double patenting rejections be held in abeyance the Examiner considered the proposed amendments set forth herein.

The Examiner contends that claims 3-5 are non-statutory because these claims are directed to non-statutory subject matter. Claim 3 has been previously amended to recite “a tangible computer *readable* medium” (claim 3, lines 2-3). As such, claims 3-5 are believed to comply with all sections of 35 USC section 101.

Claims 1, 3, 5-17 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Small, U.S. Patent No. 5,513,117, hereafter Small ‘117, already of record. Claim 1 has been amended to recite “printing the greeting card in conjunction with any modifications thereto at a location where at least one item that has been ordered on line physically resides and with which the card is associated” (claim 1, lines 5-7). In addition, Claim 1 has been further amended to recite “the greeting card selected independent of the item” and “combining the identified item with the personalized greeting card for shipment to a designated recipient” (claim 1, lines 11 and 12-13). Applicants respectfully assert that the Examiner has not identified those sections within the specification and/or figures of Small which disclose the subject matter of claim 1, as

amended, especially the printing the greeting card in conjunction with any modifications thereto at a location where at least one item that has been ordered on line physically resides and with which the card is associated and that the greeting card is selected independent of the gift item.

Claims 3, 6, 11, 16, and 17 have been amended to recite some or all of the same or similar language or analogous limitations as those added to claim 1 (claim 3, lines 5-7, 11 and 12-13; claim 6, lines 3-5, and 9; claim 11, lines 6-9; claim 16, lines 5-6, 9-10 and 12-13; and claim 17, lines 5-8, 11 and 12-13). Claim 6 previously recited “generating a label from the accessed data in memory” (claim 6, lines 10). Claim 11 previously recited “program logic configured to read the reference data from the card and generate a label therefrom” (claim 11, lines 10-11).

Accordingly, the independent claims as well as their respective dependent claims, where applicable, are believed patentable over the art of record for at least the same reasons as claim 1, as well as for the merits of their own respective limitations

Applicants believe the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions regarding this amendment, he is invited to call Applicants’ attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. 02-3038.

Respectfully submitted,

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